

PATENT

Attorney's Docket No. 9261.16756-CIP DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Aboul-Hosn et al.

Group Art Unit: Unknown

Serial No.: Unknown

Examiner: Unknown

Filed: Unknown

For: Pulmonary Circulatory Blood Flow Support Devices and Methods for Heart Surgery Procedures

Commissioner of Patents and Trademarks
Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN
THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION
(37 CFR 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in S 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to S 1.71 and at least one claim pursuant to S 1.75; and (2) any drawing required by S 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by S 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. S 371(c) within the periods set forth in S 1.494 or S 1.495. 35 U.S.C. S 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION
DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed WITHIN THREE MONTHS OF THE FILING DATE OF THE APPLICATION OR DATE OF ENTRY INTO THE NATIONAL STAGE OF AN INTERNATIONAL APPLICATION OR BEFORE THE MAILING DATE OF A FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURS LAST. 37 CFR 1.97(b).

CERTIFICATION UNDER 37 C.F.R. 1.10*
(Express Mail label number is mandatory.)
Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date 12 December 2001, in an envelope as 'Express Mail Post Office to Addressee' mailing Label Number EL 88914764105, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Judith Biebel
(type or print name of person mailing paper)

Signature of person mailing paper

JC835 U.S. PTO
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PH
#2

NOTE: "NO CERTIFICATION OR FEE IS DUE WHEN THE FILING IS MADE WITHIN THE ABOVE TIME PERIOD. IT IS ADVISABLE TO ENSURE THAT NO OFFICE ACTION HAS BEEN MAILED IF THE DISCLOSURE STATEMENT IS DELAYED UNTIL AFTER THREE MONTHS FROM FILING.

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

COPIES OF THE DOCUMENTS LISTED ON THE ATTACHED FORM PTO 1449 CAN BE FOUND IN THE FILE WRAPPER OF PARENT APPLICATION SERIAL NO. 09/231,320 FILED 13 JANUARY 1999 AND ARE THEREFORE NOT INCLUDED WITH THIS SUBMISSION.

Should any fees be necessary in connection with this submission, please charge same to Account No. 06-2360.

Date 12 December 2001

Reg. No. 29,243

Telephone No.: (262) 783-1300



Signature of Attorney of Record

Daniel D. Ryan

Type or Print Name of Attorney of Record

RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226

INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

ATTY DOCKET NO.
9261.16756-CIP DIV

SERIAL NO.
Unknown

Aboul-Hosn et al.

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GROUP
Unknown

JQ635 U.S. PT
10/021549
12/12/01

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,487,784	01/06/1970	Rafferty			
	3,626,947	12/14/1971	Sparks			
	3,995,617	12/7/1976	Watkins et al.			
	4,086,665	05/02/1978	Poirier			
	4,108,161	08/22/1978	Samuels et al.			
	4,118,606	10/10/1978	Poirier, et al.			
	4,173,981	11/13/1979	Mortensen			
	4,548,597	10/22/1985	Nelson			
	4,625,712	12/02/1986	Wampler			
	4,704,121	11/03/1987	Moise			
	4,753,221	06/28/1988	Kensey et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO89/10763	11/16/1989	PCT				
	0 445,783	09/11/1991	EP				
	2,037,622	1991	CA				
	0 478,635	04/08/1992	EP				
	0 629,412	12/21/1994	EP				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		P.E. Allaire, H.C. Kim, E.H. Maslen, D.B. Olsen, and G.B. Bearnson, "Prototype Continuous Flow Ventricular Assist Device Supported on Magnetic Bearings", Artificial Organs, Vol 20, No. 6, 1996 pgs 582-590, Blackwell Science, Inc., Boston

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>	ATTY DOCKET NO. 9261.16756-CIP-DIV	SERIAL NO. Unknown
	Aboul-Hosn et al.	
	FILING Herewith	GROUP Unknown

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,376,114	12/27/1994	Jarvick			
	5,449,342	09/12/1995	Hirsoe et al.			
	5,599,329	02/04/1997	Gabbay			
	5,647,358	07/15/1997	Vilasi			
	5,688,245	11/18/1997	Runge			
	5,746,709	05/05/1998	Rom et al.			
	5,718,678	02/17/1998	Fleming			
	5,755,784	05/26/1998	Jarvick			
	5,766,209	06/16/1998	Devonec			
	5,785,686	07/28/1998	Runge			
	5,827,220	10/27/1998	Runge			

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					YES	NO
WO98/14225	04/09/1998	PCT				
WO98/53864	12/03/1998	PCT				
286,145	01/15/1971	RU				

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

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	4,769,031	09/06/1988	McGough, et al.			
	4,817,586	04/04/1989	Wampler			
	4,846,152	07/11/1989	Wampler et al.			
	4,898,518	02/06/1990	Hubbard et al.			
	4,944,722	07/31/1990	Carriker et al.			
	4,955,856	09/11/1990	Phillips			
	4,985,014	01/15/1991	Orejola			
	5,019,102	05/28/1991	Hoene			
	5,061,256	10/29/1991	Wampler			
	5,112,349	05/12/1992	Summers			
	5,295,958	03/22/1994	Shturman			

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	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	0 659,443	06/28/1995	EP				
	WO96/18358	06/20/1996	PCT				
	WO97/02850	01/30/1997	PCT				
	0 768,091	04/16/1997	EP				
	WO97/37698	10/16/1997	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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INFORMATION DISCLOSURE CITATION
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ATTY DOCKET NO.
9261.16756-CIP-IV

SERIAL NO.
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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,851,174	12/22/1998	Jarvick			
		5,921,913	07/13/1999	Siess			
		5,965,089	10/12/1999	Jarvick et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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